



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,350	03/24/2004	Frank Rosemann	A-10040	5378
181	7590	06/03/2005	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			SZUMNY, JONATHON A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/807,350	ROSEMANN ET AL.
	Examiner Jon A Szumny	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 March 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 2,6,12 and 19 is/are allowed.
- 6) Claim(s) 1,7,10,11,13-18 and 20 is/are rejected.
- 7) Claim(s) 3,5,8 and 9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

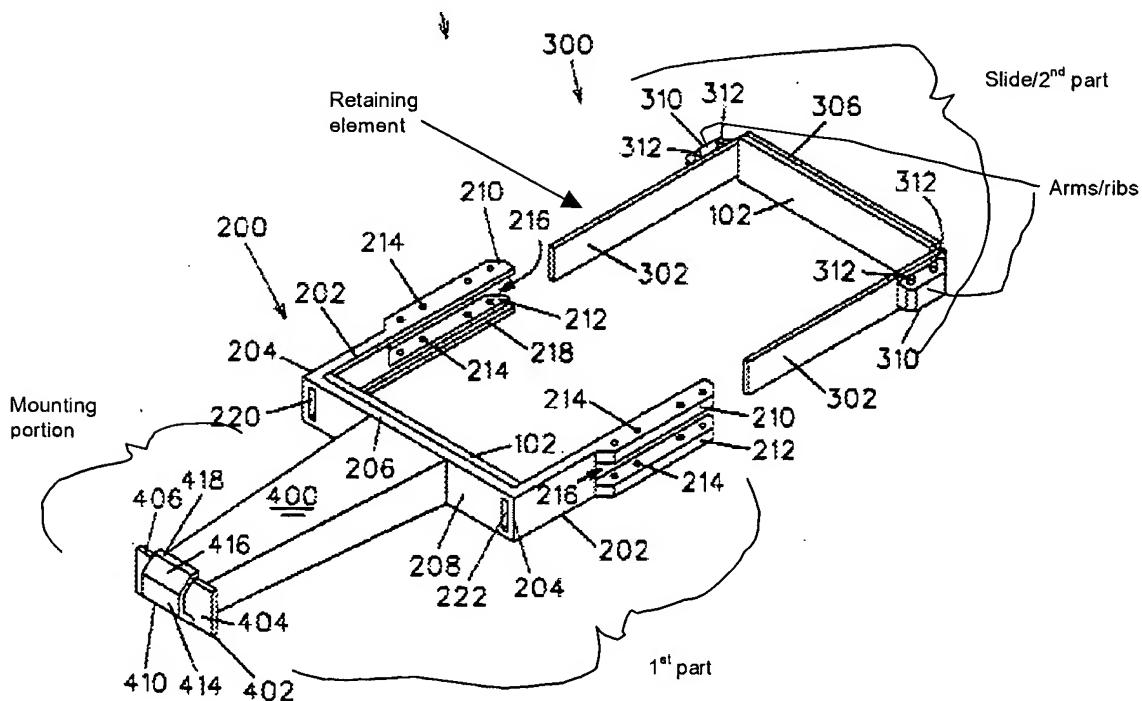
- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

This is the second office action for application number 10/807,350, Holder for Rod-Like Objects such as Pipes and Cables, filed on March 24, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Claim Rejections - 35 USC § 102*

Claims 1, 7, 10, 11, 13-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,920,036 to Egger.



Regarding claims 1, 7, 10, 11 and 13-15, Egger '036 discloses a holder (above) having a mounting portion (above), a pair of holder arms (202 generally) fixedly connected to one another at one end and providing a U-shaped holding portion with a trough open at the top and having a slide (above) defining a longitudinal extension of the trough, wherein the slide has a

retaining element (above) movable from an open position to a closed position in response to movement of the slide longitudinally into the trough, wherein, in the closed position, the retaining element at least partly closes an opening between free ends of the holder arms, wherein the U-shaped holding portion comprises a guide (216, generally) extending longitudinally of the trough between the arms of the holding portion to guide the slide for movement longitudinally into and along the trough, and the retaining element, in the open position, is located at least partly outside of the holding portion at one end of the guide, and is located inside the guide in the closed position, wherein the slide at a posterior end comprises arms (above) opposed to the holder arms and contacting the holder arms in the closed position, wherein on the holder arms and/or on arms of the slide, catches or latches (214 and/or 312) operative in the closed position are provided, to secure the slide in the closed position, wherein the slide is fastenable to the holding portion in two closed positions arranged at a distance from one another, wherein the holder is symmetrically configured with respect to a plane of symmetry dividing the trough longitudinally and is provided with two retaining elements (210,212, generally) opposed to one another, wherein surfaces of the holder are provided with an adhesion layer of rubber (column 3, lines 33-34), wherein the retaining element has a rib (above).

Regarding claims 16-18 and 20, Egger '036 discloses a holder comprising a first part (above) defining a trough and a second part (above) defining a longitudinal extension of the trough of the first part wherein the second part is a slide (above) constructed so that the second part can be moved longitudinally into the trough of the first part, and wherein the second part has a retaining element (above), wherein the retaining element is moved to a closed position by a wedging action (it is wedged between the two holder arms) as the second part moves into the trough of the first part, wherein the first part has a mounting element (above) below its trough,

wherein the first and second parts have cooperable fastening elements (214,312) for fastening the second part to the first part upon insertion of the second part into the trough of the first part.

*Allowable Subject Matter*

Claims 2, 6, 12 and 19 are allowed.

Claims 3, 5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art as previously applied against claim 1 failed to further specifically teach the retaining element to comprise a wedge-shaped segment located outside of a longitudinal projection of the opening in the open position, and entering the opening through displacement of the retaining element to the closed position and at least partially closing the opening, in order thereby to secure in place an elongated object present in the trough.

Regarding claim 5, the prior art as previously applied against claim 1 failed to further specifically teach the retaining element to be connected at an anterior end to an anterior end of the slide and is movable relative to the slide by pressure on a posterior end of the slide to move the slide into the guide in the holding portion.

Regarding claim 8, the prior art as previously applied against claim 1 failed to further specifically teach the retaining element to have the shape of a wedge connected by its thinner end to the anterior end of the slide.

Regarding claim 9, the prior art as previously applied against claim 1 failed to further specifically teach the holding portion of the holder to comprise a prism-shaped guide groove engaged by a guide segment configured at an anterior end of the slide.

*Response to Arguments*

Applicant's arguments filed March 28, 2005 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1, 7, 10, 11, 13-18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

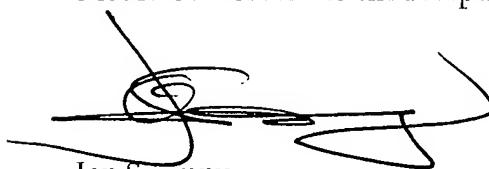
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (571) 272-6824. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.



Jon Szumny  
Primary Examiner  
Technology Center 3600  
Art Unit 3632  
May 30, 2005